

SENATE BILL No. 471

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-10.1-22.4-3.

Synopsis: Disclosure of educational records. Requires a school corporation and certain other entities to release education records to a state or local juvenile justice agency under certain circumstances.

Effective: July 1, 2003.

Broden

January 21, 2003, read first time and referred to Committee on Education and Career Development.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

SENATE BILL No. 471

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 20-10.1-22.4-3, AS ADDED BY P.L.254-2001,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2003]: Sec. 3. (a) As used in this section, "juvenile justice
4 agency" has the meaning set forth in IC 5-2-5.1-6.

5 (b) A school corporation or other entity to which the education
6 records privacy provisions of the federal Family Educational Rights
7 and Privacy Act (20 U.S.C. 1232g) apply ~~may~~ **shall** disclose or report
8 on the education records of a child, including personally identifiable
9 information contained in the education records, without the consent of
10 the child's parent, guardian, or custodian, under the following
11 conditions:

12 (1) The disclosure or reporting of education records is to a state
13 or local juvenile justice agency.

14 (2) The disclosure or reporting relates to the ability of the juvenile
15 justice system to serve, before adjudication, the student whose
16 records are being released.

17 (3) The juvenile justice agency receiving the information certifies,



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1 in writing, to the entity providing the information that the agency
2 or individual receiving the information has agreed not to disclose
3 it to a third party, other than another juvenile justice agency,
4 without the consent of the child's parent, guardian, or custodian.

5 (c) For purposes of subsection (b)(2), a disclosure or reporting of
6 education records concerning a child who has been adjudicated as a
7 delinquent child shall be treated as related to the ability of the juvenile
8 justice system to serve the child before adjudication if the juvenile
9 justice agency seeking the information provides sufficient information
10 to enable the keeper of the education records to determine that the
11 juvenile justice agency seeks the information in order to identify and
12 intervene with the child as a juvenile at risk of delinquency rather than
13 to obtain information solely related to supervision of the child as an
14 adjudicated delinquent child.

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